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WHAT NEIGHBORS
WANT TO KNOW ABOUT
RETAIL MARIJUANA

In Aurora

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LEGALIZING RETAIL MARIJUANA IN COLORADO

In 2010, Aurora voters opposed a ballot question that would have allowed medical marijuana establishments in the city. Medical marijuana establishments, including medical marijuana dispensaries, medical marijuana cultivation facilities, and medical marijuana-infused product manufacturers, may not operate within the city.

In 2012 when Colorado voters approved Amendment 64 to be added to the Colorado Constitution, it did three things:

- Legalized the use and possession of limited amounts of marijuana for anyone ages 21 or older
- Provided a system of regulating retail marijuana, including licensure of facilities for cultivation, manufacturing, testing and retail stores
- Allowed cities, towns and counties to decide whether to allow retail marijuana establishments in their jurisdiction, and to regulate time, place and manner in which the establishments operate.

As a result of the statewide passage of Amendment 64, the city of Aurora created a process to permit retail marijuana establishments to operate in 2014.

AURORA VOTES IN FAVOR OF RETAIL MARIJUANA

In 2012, Aurora voters approved the ballot question by a margin of 56.5 percent to 43.4 percent. The question was approved in all six city council wards, and only 24 of 179 precincts opposed it.

The voters approved it on the ballot, but the council had to decide whether to permit retail establishments in the city.

COUNCIL ACTION SLOW & MEASURED

1. Aurora City Council enacted a temporary moratorium on retail marijuana establishments until May 2014.
2. Council created the Amendment 64 Ad Hoc Committee, which met at least monthly for more than a year to study whether to permit retail marijuana establishments, and if so, how to regulate those establishments. Citizen, city staff and marijuana industry input was considered throughout the process.
3. On May 12, 2014, the council voted 8-1 to approve Ordinance 2014-14, which authorized licensure of retail marijuana establishments in Aurora and provided a framework for regulating those establishments. The council's approval was based in part on city residents' support of Amendment 64 during the 2012 election.
4. Ordinance 2014-14 was effective July 1, 2014.
5. First date marijuana establishments could be open in Aurora was Oct. 1, 2014.



State and city licensure are required before operations commence at retail marijuana establishments.

Applicants are subject to rigorous background checks and must have been a state resident for at least two years.

RETAIL MARIJUANA STORE REQUIREMENTS

- Retail marijuana store licenses limited to 24 (four licenses in each of six council wards)

- Store licenses awarded through competitive, point-based scoring process
- Applicants must to demonstrate minimum of \$400,000 in liquid assets and two years of marijuana industry experience in Colorado
- Points awarded for criteria such as clean criminal records, more industry experience, tax compliance and installation of odor mitigation equipment
- Establishment and operating plans scored by independent reviewers

OTHER LICENSE TYPE REQUIREMENTS

- No limit to number of cultivation, manufacturing and testing facility licenses.
- Application process is not competitive.
- No minimum funding and experience requirements.
- Applicants required to secure correctly zoned property, pass background check and pay operating fee.



Location

City code permits retail marijuana establishments to operate within specific zoning districts. This permitted use is non-conditional and allowed by right, meaning no public hearing or comment process is required to determine whether these establishments are allowed to operate in a specific location. If the city approves this type of establishment for a license and it meets the zoning requirements, the city will allow it to operate in that location. Like other retail stores such as grocery stores, neighborhood notification is not required.

LOCATION: RETAIL MARIJUANA STORES

- Permitted to operate in a variety of commercial and industrial zoning districts.
- Cannot be located within 1,000 feet of a school nor within 500 feet of a hospital or inpatient substance abuse treatment center.
- No minimum distance between store licenses.
- Location is not considered in the licensing process but rather on a competitive application process designed to select the highest quality, most experienced operators.

LOCATION: OTHER ESTABLISHMENTS

- Cultivation, manufacturing and testing establishments only permitted to operate in industrial zoning districts.
- Cannot be located within 300 feet of a conforming residential use or any residential or open zone district.
- No minimum distance requirement between marijuana establishment licenses.

FINDING THE RIGHT LOCATION

Locating a place to set up shop is a challenge for most marijuana establishments. Applicants must secure a location via a lease or purchase agreement prior to applying for city and state licensure.

Practical considerations may limit where an establishment may locate. For example, most new developments will not lease to a marijuana establishment as it may impact the property's bank financing.

As a result, the market for real estate is highly competitive. Marijuana establishments often have

to settle for a location that is less than ideal in terms of visibility or condition, and the establishments invest heavily in improving the site to make it more attractive and secure for their operations.



Marijuana Establishment Operations

The state's Marijuana Enforcement Division provides minimum standards under which marijuana establishments must operate. Local jurisdictions may set more stringent standards, and Aurora has done this in many ways.

For example, the state allows marijuana establishments to be open until midnight, but Aurora restricts the hours of operation to 8 a.m. to 10 p.m. Aurora has stricter rules regarding security, such as requiring offsite backup of video footage and locking up product in a safe or vault when the establishment is closed. Marijuana establishments in Aurora must prevent odor from migrating off premises.

The safety and welfare of Aurora residents is paramount, and city council and staff have worked to maintain the city's high standards in their approach to marijuana regulation.

Questions or Concerns

Aurora Marijuana Enforcement Division (AMED)
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AMED is a cross-disciplinary team with members from the city's building, planning, code enforcement, police, and tax and licensing functions.